

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

RICHARD GIPSON AND CONNIE GIPSON

PLAINTIFFS

V.

CIVIL ACTION NO. 1:08cv1349-LTS-RHW

AMERIQUEST MORTGAGE COMPANY D/B/A  
AMC MORTGAGE SERVICES, INC.; HERITAGE  
TITLE & INSURANCE, LLC; NATIONWIDE MUTUAL  
FIRE INSURANCE COMPANY; AND JOHN DOES 1-30

DEFENDANTS

**ORDER OF PARTIAL DISMISSAL**

Plaintiffs have filed a [16] Motion to Dismiss, pursuant to Fed. R. Civ. P. 41, defendants Ameriquest Mortgage Company d/b/a AMC Mortgage Services, Inc. (AMC) and Heritage Title & Insurance, LLC (Heritage). Plaintiffs' counsel informs the Court that he has learned that settlement agreements were reached previously with these two parties and that they were named erroneously as defendants. Although the [16] motion does not indicate whether the dismissal should be with or without prejudice, Plaintiffs' counsel has confirmed that the dismissal is with prejudice. With the [18] dismissal of defendant David L. Denison Agency, claims remain against defendant Nationwide Mutual Fire Insurance Company and the John Doe defendants.

There is no just reason for delay, and entry of partial dismissal of the referenced claims by Plaintiffs against AMC and Heritage is appropriate. Accordingly, under the authority of Fed. R. Civ. P. 41(a)(2), and with Fed. R. Civ. P. 54(b) in mind, **IT IS ORDERED:**

All claims between Plaintiffs and AMC, as well as all claims between Plaintiffs and Heritage, are hereby **DISMISSED**, and dismissal of these two defendants is **WITH PREJUDICE**, with each party bearing its own costs with respect hereto;

This cause of action is not terminated as to all other claims and any counterclaims between Plaintiffs and Nationwide Mutual Fire Insurance Company and the John Doe defendants.

**SO ORDERED** this the 12<sup>th</sup> day of January, 2009.

s/ L. T. Senter, Jr.  
L. T. SENTER, JR.  
SENIOR JUDGE